

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-1741

LEO ACUNA ROCHA,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals.

Submitted: January 8, 2016

Decided: February 17, 2016

Before WILKINSON, SHEDD, and THACKER, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Randall L. Johnson, JOHNSON & ASSOCIATES, P.C., Arlington, Virginia, for Petitioner. Benjamin C. Mizer, Principal Deputy Assistant Attorney General, Francis Fraser, Senior Litigation Counsel, Anthony O. Pottinger, Office of Immigration Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Leo Acuna Rocha, a native and citizen of Mexico, petitions for review of an order of the Board of Immigration Appeals (Board) dismissing his appeal from the immigration judge's (IJ) order denying his applications for withholding of removal and protection under the Convention Against Torture (CAT). We deny the petition for review.

An alien is eligible for withholding of removal if he shows that, if he returned to his native country, "it is more likely than not that [his] 'life or freedom would be threatened'" because of his "'race, religion, nationality, membership in a particular social group, or political opinion.'" Camara v. Ashcroft, 378 F.3d 361, 367 (4th Cir. 2004) (quoting 8 U.S.C. § 1231(b)(3)(A) (2012)). When assessing an alien's petition for review, we must uphold the Board's decision that an alien is ineligible for withholding of removal unless the Board's decision is "'manifestly contrary to law and an abuse of discretion.'" Mirisawo v. Holder, 599 F.3d 391, 396-97 (4th Cir. 2010) (quoting 8 U.S.C. § 1252(b)(4)(D) (2012)). The Board's decision regarding eligibility for withholding of removal will be affirmed if it is supported by substantial evidence on the record considered as a whole. INS v. Elias-Zacarias, 502 U.S. 478, 481 (1992). We conclude that substantial evidence supports the finding that Acuna Rocha

failed to show a nexus between the harm he suffered or the harm he fears and a protected ground. We also conclude that substantial evidence supports the finding that Acuna Rocha failed to show that he was eligible for protection under the CAT. See 8 C.F.R. § 1208.16(c)(2) (2015).

Accordingly, we deny the petition for review. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

PETITION DENIED